

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC CHARLES SWAN,

Defendant.

CR 21–117–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on March 15, 2022. (Doc. 40.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Eric Charles Swan’s guilty plea after Mr. Swan appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of

possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) (Count II), as set forth in the Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 40) is ADOPTED in full.

IT IS FURTHER ORDERED that Eric Charles Swan's motion to change plea (Doc. 27) is GRANTED and Mr. Swan is adjudged guilty as charged in Count II of the Indictment.

DATED this 30th day of March, 2022.



Dana L. Christensen, District Judge
United States District Court